

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-Publication of Notice Statement)

Repeal Section 373,
Title 14, California Code of Regulations
Re: Deer: Return of Deer Tags

- I. Date of Initial Statement of Reasons: January 14, 2002

II. Dates and Locations of Scheduled Hearings:

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|-------------------------|-----------|------------------------|
| (a) Notice Hearing: | Date: | February 9, 2002 |
| | Location: | Sacramento, California |
| (b) Discussion Hearing: | Date: | March 8, 2002 |
| | Location: | San Diego, California |
| (c) Discussion Hearing: | Date: | April 5, 2002 |
| | Location: | Long Beach, California |
| (d) Adoption Hearing: | Date: | April 25, 2002 |
| | Location: | Sacramento, California |

III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Existing regulations provide reporting requirements and violation penalties under which deer tag report cards must be returned. Currently, proposals are under consideration within the Department to implement an Automated License Data System (ALDS), and a possible change in tag distribution methods from the current draw-by-choice method to a preference-based point system for big game tag distribution, including deer tags.

If implementation of an ALDS or preference-based point system occurs, it will be necessary to adapt administrative and procedural regulations such as Section 373 immediately. The current Mammal regulation setting process is structured such that time lines would not be adaptable to these needs.

The proposed change would delete Section 373 and move it's content to a new Section 708 titled, Big Game License Tag, Application, Distribution and Reporting Procedures. This action will allow changes in administrative and procedural regulations to be adaptable to the potential implementation of ALDS or a change in the and big game draw method and tag distribution procedures. The proposed change will allow modifications to the administrative procedures to occur, outside of the normal Mammal regulation setting process and time lines.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, and 203, Fish and Game Code.

Reference: Sections 200-203.1, 206, 207, 211-222, 1050, and 4330-4331, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change: None.

(d) Identification of Reports or Documents Supporting Regulation Change:

2002 Draft Environmental Document Regarding Deer Hunting.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

In 2000, the Department held a total of twenty-three (23) "Deer Stakeholder" meetings throughout the state. The meetings were open to the public, and the Department provided information on a variety of deer management strategies and issues including: Deer Assessment Unit (zone complex) planning and tag draw method alternatives. Attendees were asked to participate in a survey and public comment was also received. The dates and locations of these meetings were as follows:

July 24, 2000 - Chico
July 25, 2000 - Modesto
July 26, 2000 - Fresno
July 27, 2000 - Bakersfield
August 9, 2000 - Folsom
August 10, 2000 - Truckee
August 22, 2000 - Bishop
August 23, 2000 - Long Beach
August 24, 2000 - El Cajon
September 12, 2000 - Santa Barbara
September 28, 2000 - Salinas
October 17, 2000 - Eureka

October 18, 2000 - Red Bluff
October 19, 2000 - Susanville
October 20, 2000 - Redding
October 23, 2000 - Alturas
November 1, 2000 - Rohnert Park
November 14, 2000 - Yreka
November 16, 2000 - Merced
November 21, 2000 - Arroyo Grande
December 7, 2000 - Livermore
December 11, 2000 - El Centro
December 14, 2000 - Redlands

In addition, the Department conducted four public meetings in which regulation change concepts and specific proposals for mammals and furbearers, including deer were presented and discussed, and additional public comment was received. The dates and locations of these meetings were as follows:

November 7, 2001 in Fresno
November 13, 2001 in San Diego
November 29, 2001 in Monterey
December 13, 2001 in Sacramento

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

There is no reasonable alternative to the proposed action.

(b) No Change Alternative:

The no change alternative was considered and found inadequate to attain the project objectives. The no change alternative would not allow the flexibility to modify administrative and procedural regulation changes that would be necessary to adapt to implementation of ALDS or a change in big game draw methods and tag distribution procedures.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and following initial determinations relative to the required statutory categories have been made.

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action does not change the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

INFORMATIVE DIGEST (Policy Statement Overview)

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The proposed change would delete Section 373 and move it's content to a new Section 708 titled, Big Game License Tag, Application, Distribution and Reporting Procedures. Section 373 would be incorporated with other administrative and procedural regulations and allow their modification as necessary, outside of the normal Mammal regulation setting process and time lines.